



## LAND USE HEARING EXAMINER

Lee Raaen  
Hearing Examiner

### CITY OF KENT

In the Matter of the Application of	)	No. SU-2014-2
	)	KIVA#RPP3-2141006
	)	
	)	
<b>Luay Joudeh, on behalf of</b>	)	<b>Garrison Creek Div. 2</b>
<b>Harty Investment Group</b>	)	<b>Subdivision</b>
	)	
	)	
<u>For Approval of a Preliminary Plat</u>	)	FINDINGS, CONCLUSIONS, AND DECISION

### SUMMARY OF DECISION

The request for a preliminary plat to subdivide 3.3 acres (two parcels) into 20 single-family residential lots, with an associated recreation tract, at 22845/22907 100th Avenue Southeast is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposed development.

### SUMMARY OF RECORD

#### Hearing Date:

The Hearing Examiner held an open record hearing on the request on August 27, 2014.

#### Testimony:

The following individuals presented testimony under oath at the open record hearing:

Sharon Clamp, City Planner  
Walter Shostak, P.E., Applicant Representative

#### Exhibits:

1. Staff Report, dated August 20, 2014
2. Distribution of Agenda and Staff Report with Declaration of Service, dated August 20, 2014
3. Notice of Public Hearing with Affidavit of Posting and Declaration of Service, dated August 19, 2014; Distribution Sheet, distribution list, 300' radius list
4. Distribution of Public Hearing Notice, with Declaration of Service, dated August 15, 2014

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5. Notice of Public Hearing ad with email confirmation from *Kent Reporter* for publication on August 15, 2014, dated August 12, 2014
6. DNS-SEPA Threshold Determination Public Notice ad and *Kent Reporter* email verification of receipt, dated July 25, 2014
7. Environmental Review Report – Decision Document, dated July 16, 2014
8. Environmental Checklist Application, dated July 25, 2014
9. Determination of Nonsignificance, dated July 25, 2014, with Certificate of Posting, dated July 25, 2014
10. Distribution of DNS, Decision and SEPA Checklist with Declaration of Delivery, dated July 25, 2014
11. Letter from Walter J. Shostak, P.E., to Joel Cooley, in response to consolidated correction letter, dated May 2, 2014
12. Notice of Application and Affidavit of Posting, dated April 18, 2014, with Distribution Sheet and Notice to Applicant of Other Agencies with Project Jurisdiction
13. Notice of Application publication ad, dated April 18, 2014, and *Kent Reporter* email verification receipt, dated April 14, 2014
14. Long Subdivision Preliminary Plat Application, received April 3, 2014, with Vicinity Map, Site Development Plan, and Reduced Vicinity Map
15. Site Plan Maps, revised April 29, 2014:
  - a. Preliminary Subdivision Plat (C1, Sheet 1 of 5)
  - b. Conceptual Utility Plan (C2, Sheet 2 of 5)
  - c. Pond Plan and Details (C3, Sheet 3 of 5)
  - d. Road Cross Sections and Details (C4, Sheet 4 of 5)
  - e. Tree Retention Plan (C5, Sheet 5 of 5)
16. Technical Information Report, D.R. Strong Consulting Engineers, Inc., dated April 1, 2014
17. Preliminary Geotechnical Feasibility Study, dated November 4, 2013

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the open record hearing:

### **FINDINGS**

1. Luay Joudeh, on behalf Harty Investment Group (Applicant), requests a preliminary plat to subdivide two parcels totaling 3.3 acres into 20 single-family residential lots. The property is located at 22845/22907 100<sup>th</sup> Avenue Southeast.<sup>1</sup> *Exhibit 1, Staff Report, page 1; Exhibit 14; Exhibit 15.a.*
2. The City of Kent (City) determined the application was complete on April 3, 2014. The City issued a Notice of Application (NOA), published notice in the *Kent Reporter*, and posted notice on site on April 18, 2014. On August 15, 2014, the City emailed or mailed notice of the hearing to the Applicant, to

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<sup>1</sup> The parcel is identified by King County tax parcel numbers 1822059176 and 1822059190. A legal description of the property is found within the proposed preliminary plat map. *Exhibit 1, Staff Report, page 2; Exhibit 15.a.*

interested parties of record, to consulted departments and agencies, and to all persons owning property within 300 feet of the site, and published notice of the hearing in the *Kent Reporter*. *Exhibit 1, Staff Report, pages 4 and 5; Exhibits 3 through 5; Exhibit 12; Exhibit 13*

3. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), Chapter 43.21C RCW. The City reviewed the Applicant's Environmental Checklist and other information on file. The City determined that the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance (DNS) on July 25, 2014. The City mailed and emailed notice of the DNS to the Applicant, to interested parties of record, and to consulted departments and agencies, and published notice in the *Kent Reporter*, on July 25. *Exhibit 1, Staff Report, pages 3 and 10; Exhibits 6 through 10.*
4. City Planner Sharon Clamp testified that the DNS was not appealed and that no comments on the project were received from the public or from the departments and agencies notified of the proposed subdivision. *Testimony of Ms. Clamp.*
5. The property is designated SF-6 Single-Family Residential, 6 units per acre, by the City Comprehensive Plan Land Use Map. Comprehensive Plan goals and policies are relevant to the proposal. Land Use Element goals and policies establish urban densities of at least four units per developable acre and seek to locate housing opportunities within close proximity to employment, shopping, transit, and services. They also seek to provide a variety of housing types, options, and densities throughout the city; and allow single-family housing on a variety of lot sizes. Housing Element goals and policies promote the organization and enhancement of neighborhoods, and provide the opportunity for comfortable and well-maintained housing; provide for neighborhoods with an appropriate mix of housing styles and choices; provide a fair share of on-site and off-site improvements; provide increased housing opportunities through a diversity of housing types and innovative site and building design; provide for sufficient amount of land zoned for current and projected residential needs; promote diversity of affordable housing types; and encourage flexibility and innovative site and building design. Transportation Element goals and policies call for land use and transportation planning coordination, and coordination of new commercial and residential development with transportation projects to ensure accommodation of new development.<sup>2</sup> *Exhibit 1, Staff Report, pages 3 and 6 to 8.*

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<sup>2</sup> City staff identified Comprehensive Plan Land Use Element Policies LU-9.1, 9.4; Goal LU-10, Policy LU-10.4; Housing Element Goal H-2, Policy H-2.3 and 2.5; Goal H-5, Policy H-5.2, 5.3, Goal H-7; and Transportation Goal TR-1, Policy TR-1.6. *Exhibit 1, Staff Report, pages 6 through 8.*

6. The proposed subdivision is located within the SR-6, Single Family Residential zoning district, which allows 6.05 dwelling units per acre. The purpose of the single-family residential districts is to stabilize and preserve single-family residential neighborhoods, as designated in the Comprehensive Plan. It is further the purpose to provide a range of densities and minimum lot sizes in order to promote diversity and recognize a variety of residential environments. One single-family dwelling per lot is allowed within the SR-6 zoning district. *Kent City Code (KCC) 15.03.010; KCC 15.04.020.*
7. The property is currently developed with two single-family residences, outbuildings and a driveway, all of which would be removed. The Applicant is proposing to resize an existing combined detention/water quality pond in the existing Ridge at Garrison Creek development (immediately north) to accommodate stormwater runoff for the proposed development. The existing detention pond is located within a public storm drainage tract, created with the adjacent plat. According to initial storm system design calculations, the tract is large enough to accommodate the enlarged pond. Following treatment and detention, runoff would be released into the South Fork of Garrison Creek. *Exhibit 1, Staff Report, pages 1 and 10; Exhibit 14, Exhibit 15.c; Exhibit 16; Exhibit 17.*
8. The property contains deciduous and evergreen trees, grass, blackberry, and holly. The site is described as rolling, with a slope range between 5 and 15 percent. The steepest slope on site is in an isolated area in the southwestern portion of the property. There are steep slopes off-site to the west and a portion of the steep slope buffer extends onto the property. Ms. Clamp testified that the Applicant would protect the steep slope buffer per Chapter 11.06 KCC, including recording a sensitive area tract. The South Fork of Garrison Creek is approximately 130 feet west of the property, and all site improvements would be outside the stream buffer. No other critical areas were identified on either the proposed subdivision property or stormwater facility site. 100<sup>th</sup> Avenue Southeast is located to the east of the proposed subdivision property. *Exhibit 1, Staff Report, pages 1 through 3 and 10; Exhibit 7; Exhibit 15.a; Testimony of Ms. Clamp.*
9. Property surrounding the subject property in all directions is designated and zoned SF-6. Subdivisions are located to the north and east. Individual residential lots are located to the south, and the South Fork of Garrison Creek and steep slopes are located off-site to the west. *Exhibit 1, Staff Report, page 2; Exhibit 6; Exhibit 15.a.*
10. The proposed development would take its primary access from 100<sup>th</sup> Avenue Southeast via a new public road, which would connect to the public road in the developed plat immediately north of the project site, 98<sup>th</sup> Place South,

creating a loop road. The development would add an estimated new 180 daily trips and 18 PM peak-hour trips to the public street system. Per City of Kent Ordinance 3992, this development would pay Traffic Impact Fees to mitigate for the increased trips. The proposed project would also construct road frontage improvements along 100<sup>th</sup> Avenue Southeast in accordance with the requirements in the Kent Design and Construction Standards. *Exhibit 1, Staff Report, pages 4 and 12; Exhibit 6; Exhibit 7; Exhibit 15.a; Exhibit 15.d; Exhibit 16.*

11. Sidewalks would be constructed along both sides of the new public subdivision street and the Applicant would improve 100<sup>th</sup> Ave SE along the property frontage to accommodate a new sidewalk. The minimum lot size in the SF-6 zone is 3,000 square feet and minimum lot width is 30 feet. The proposed lots would range from 3,418 to 7,386 square feet and exceed 30 feet in width. As depicted on the proposed preliminary subdivision plat map, lots would contain minimum 10-foot front yard setbacks, 20-foot garage setbacks, and 10-foot rear setbacks. At least 50 percent of the lots, Lots 1, 3, 5, 6, 9, 12, 16-18, and 20, would provide a combined side yard setback of 16 feet; the remaining lots provide five-foot side yard setbacks. *Exhibit 1, Staff Report, pages 8 and 12; Exhibit 15.a.*
12. City code requires that building lots and roadway access be configured to support home construction with diminished garage doors, so no less than 50 percent of the new lots would support construction of a garage in the rear portion of the lot, accessed through a common driveway between lots, a side access garage, a garage accessed through a rear alley, a garage set back no less than 10 feet from the home's front façade, or other design strategies. At least two of these options must be supported in each new development. Tracts B and C would be joint-use driveways. As proposed, the subdivision would support diminished garage doors on Lots 10-20. Lots 10-15 and 17-20 are configured to support set-back garages, and Lot 16 is configured to support a side-access garage design. *Exhibit 1, Staff Report, page 12; Exhibit 15.a.*
13. Landscape buffering is required in single-family residential zoning districts along all frontage streets of a subdivision that do not provide the new lots with direct vehicular access. The Applicant has provided a 10-foot landscape tract along 100<sup>th</sup> Ave SE to meet the landscaping requirement. *Exhibit 1, Staff Report, page 8; Exhibit 15.a.*
14. The proposed subdivision would be connected to the City public water system and the City public sanitary sewer system. Power and natural gas lines would be installed during plat construction. Garbage service would be established by individual residents. The property is located within the Kent School District, and, pursuant to KCC 12.13.160, the City would assess and

collect a school impact fee for each individual lot at the time of building permit issuance based upon the adopted impact fee at that time. Mass transit service is provided by King County METRO. The nearest bus stop is located at 104<sup>th</sup> Ave SE and SE 228<sup>th</sup> Place, approximately .3 miles east of the proposed subdivision. *Exhibit 1, Staff Report, pages 10 and 11; Exhibit 7.*

15. Pursuant to KCC 15.08.240, a minimum of 15 percent of the diameter inches of significant trees, six-inch caliper and greater, would need to be retained. The Applicant submitted a tree retention plan for 31 percent of the diameter inches of significant trees within the site interior. Trees within the landscape tract along 100<sup>th</sup> Avenue SE would also be retained. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 15.e.*
16. The Applicant is required to provide 450 square feet of on-site recreation space per lot pursuant to KCC 12.04.060. The required amount of recreation space for this 20-lot subdivision is 9,000 square feet. Provisions for recreation and open space would be made through the development of a centrally located 9,008 square foot community park (Tract D). The community park would have children's play equipment, in addition to at least one other recreational facility. Additionally, a landscape tract would be created on the east side of the development abutting 100<sup>th</sup> Ave SE. A homeowners' association would be created to maintain the community park and landscaping in the planter strips and landscape tract. *KCC 12.04.060. Exhibit 1, Staff Report, pages 10 to 11 and 21; Exhibit 7; Exhibit 15.a.*
17. The City staff determined that the proposal is in general conformance with the Kent Subdivision Code and consistent with the City's Comprehensive Plan. The City staff recommended that, with conditions, the preliminary plat application be approved. *Exhibit 1, Staff Report, page 14.*
18. Applicant Representative Walter Shostak, P.E., testified that he was familiar with the City's proposed plat approval conditions and that the Applicant agrees with them. *Testimony of Mr. Shostak.*

## **CONCLUSIONS**

### Jurisdiction

The Hearing Examiner has jurisdiction to hold a hearing on preliminary plat applications; to consider all evidence presented at the hearing; and, based on that evidence, to approve, approve with conditions, or disapprove the preliminary plat. *Chapter 2.32 Kent City Code (KCC); Chapter 12.04 KCC; Chapter 58.17 Revised Code of Washington (RCW).*

### Criteria for Review

The decision of the Hearing Examiner must be supported by the evidence presented and must be consistent with the standards and criteria for review specified in state statutes and city ordinances.

The standards and criteria for review of preliminary plat applications are found in Chapter 12.04 KCC and Chapter 58.17 Revised Code of Washington (RCW). A proposed subdivision shall not be approved unless the City finds that:

1. Appropriate provisions have been made for:
  - a. The public health, safety, and general welfare of the community;
  - b. Protection of environmentally sensitive lands and habitat;
  - c. Potable water supplies;
  - d. Sanitary wastes;
  - e. Other public utilities and services, as deemed necessary;
  - f. Stormwater facilities and conveyance systems;
  - g. Open spaces;
  - h. Community parks and recreation;
  - i. Neighborhood tot lots and recreation areas;
  - j. Schools and school grounds;
  - k. Transit stops;
  - l. Connectivity of streets, alleyways, and other private and public ways for vehicular and pedestrian circulation and access in and between subdivisions and neighborhoods, where feasible;
  - m. Connectivity of sidewalks, pedestrian pathways, traffic calming features and devices, and other features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from school, parks, transit stops and other neighborhood services;
  - n. In single-family residential zoning districts, building lots and street access configured to support the construction of homes with diminished garage doors such that no less than fifty (50) percent of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots; or a side access garage; or a garage accessed via a rear alley; or a garage set back no less than ten (10) feet from the front facade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and streets shall be configured such that at least two (2) of these options are supported in each new development;
  - o. In single-family residential zoning districts, landscape buffering along all frontage streets of the subdivision that do not provide the new lots with direct vehicular access;

2. The City has considered all other relevant facts; and
3. The public use and interest will be served by the platting of such subdivision or short subdivision and dedication; and
4. The City has considered the physical characteristics of a proposed subdivision or short subdivision site and may deny a proposed plat because of flood, inundation, or wetland conditions; slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

*KCC 12.04.180.A.*

Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

*KCC 12.04.180.B.*

The criteria set forth in the Kent City Code are similar to those in the Revised Code of Washington (RCW). The subdivision criteria described in the RCW must also be met by the application before a decision of approval can be made:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

*RCW 58.17.110.*

The criteria for review adopted by the Kent City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

#### Conclusions Based on Findings

1. **With conditions, the proposed plat satisfies the requirements of KCC 12.04.180.A.** The City gave adequate notice and opportunity to comment on the proposal. The City determined that, with conditions, the proposal

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would not have a probable significant adverse impact on the environment. The City's determination was not appealed. The South Fork of Garrison Creek and steep slopes are located off-site to the west, although no site improvements would occur within the stream buffer. A portion of the steep slope buffer extends onto the western edge of the property and would be protected, per Kent City Code 11.06. The proposed subdivision would be served by City water and sewer. Electric power and natural gas lines would be installed during subdivision construction. Stormwater runoff from rooftops, driveways, and roads within the subdivision would be collected and conveyed to an off-site treatment and detention stormwater pond facility located in the development immediately north of this property. The Applicant would provide open space through the development of a community park for recreation within the proposed subdivision. The Applicant would pay a school impact fee at the time of construction permit issuance, provide sidewalks along the internal street, and improve 100<sup>th</sup> Ave SE to accommodate a new sidewalk. The Kent School District did not submit any comments on the proposal. A transit stop is located .3 miles from the proposed development. A new public residential street would be constructed through the proposed subdivision connecting 100<sup>th</sup> Ave SE and 98<sup>th</sup> Place S (in the plat to the north), creating a loop road. No impacts on these streets from vehicle trips generated by proposed development were identified. The subdivision would support diminished garage doors on half the lots, as well as lots configured to support garages set back 10 feet from the front of the house. Landscape tracts along 100<sup>th</sup> Ave SE would provide buffering required under the City code. Conditions are necessary to ensure that the Applicant submits a downstream analysis and landscape plans for the stormwater facility, to ensure that street improvements and sidewalks are constructed as required by the City's Construction Standards, and to ensure that the Applicant pay all transportation impact fees, school district migration fees, stormwater utility connection fees, and any other applicable mitigation fees. *Findings 1 - 18.*

2. **With conditions, the requirements of RCW 58.17.110 have been satisfied.** The criteria set forth in the Kent City Code are similar to those in the Revised Code of Washington (RCW). Thus, with conditions necessary to ensure plans, engineering drawings, sanitary sewer system, public water system, storm water system, detailed grading plan, detailed tree plan, street improvement plans, homeowners' association, fees, and recording, RCW 58.17.110 requirements have been satisfied. *Findings 1 - 19.*

### **DECISION**

Based on the preceding Findings and Conclusions, the request to subdivide two parcels totaling 3.3 acres into 20 single-family residential lots located at

22845/22907 100<sup>th</sup> Avenue Southeast is **APPROVED**, subject to the following conditions:<sup>3</sup>

**A. Prior to recording the final plat for this subdivision:**

1. The Applicant shall pay all known Charges in Lieu of Assessments and/or Latecomer Fees, if any, prior to scheduling the Pre-Construction Conference and/or prior to recording this subdivision, whichever comes first.
2. The Applicant shall provide Public Works with a digital subdivision map prepared with a CAD program. The digital information can be formatted in either \*.DWG (AutoCad) or \*.DXF (Drawing Exchange File), but must be based upon State Plane coordinates: an assumed coordinate system is not permitted. The State Plane Coordinates shall be on the NAD 83/91 datum and must relate to at least two City of Kent reference points within one half mile of the subdivision. In addition, the project shall be tied into at least two City of Kent NAD 88 vertical benchmarks and two additional permanent benchmarks shall be established within the project. The locations, descriptions and elevations of these benchmarks will be reported at the time as-built drawings are submitted along with field notes sufficient to verify the required precision.
3. The Applicant shall submit and receive City approval from the Department of Public Works for engineering drawings meeting the minimum requirements of the 2009 City of Kent Design and Construction Standards (KDCS), and shall then either construct or bond for the following:

- a. A public gravity sanitary sewer system to serve all lots.

This development will be served by the City of Kent and will be constructed to City of Kent standards and specifications.

The public sanitary sewer system shall be extended from the existing public sanitary sewer system and shall be sized to serve all off-site properties within the same service area; in addition, the sanitary sewer system shall be extended across the entire subdivision as needed to

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<sup>3</sup> This decision includes conditions required to meet City code standards as well as conditions required to reduce unique project impacts.

serve adjacent properties within the same service area, unless otherwise determined by the sanitary sewer purveyor.

The septic system serving the existing home(s) within the proposed subdivision, if any, shall be abandoned in accordance with King County Health Department Regulations.

- b. A public water system meeting domestic and fire flow requirements for all lots.

This development will be served by the City of Kent and will be constructed to the City of Kent standards and specifications.

The public water system shall be extended and shall be sized to serve all off-site properties within the same service area; in addition, the water main extension shall be extended across the entire subdivision as needed to serve adjacent properties within the same service area, unless otherwise determined by the water purveyor.

Existing wells, if any, shall be decommissioned in accordance with the requirements of the Department of Ecology.

- c. A stormwater system. The engineering plans must meet the minimum requirements of the KDCS and the 2002 City of Kent Surface Water Design Manual (KSWDM). Initial guidance is given below (See Chapter 2 of KSWDM for detailed submittal requirements):

- (1) The engineering plans will include at a minimum: Site improvement plans which include all plans, details, notes and specifications necessary to construct road, drainage, and other related improvements. The engineering plans shall include a technical information report (TIR) which contains all the technical information and analysis to develop the site improvement plans.

- (2) An erosion and sedimentation control (ESC) plan shall be included in the engineering plans. The ESC shall meet the requirements of the City of Kent

Construction Standards, and the 2002 City of Kent Surface Water Design Manual. These plans must reflect the Detailed Grading Plan discussed below, and the Planning Services approved Detailed Tree Plan.

- (3) The proposed development will require Full Drainage Review per the City of Kent SWDM. The retention/detention and release standard that shall be met by the subdivision is Level Two. The water quality menu that will be met by the subdivision is the Resource Stream Protection Menu.
- (4) The site improvement plans and technical information report shall contain drainage calculations and a drawing of the retention/detention tract at an appropriate engineering scale. The Applicant is proposing to modify the existing City-owned storm pond currently serving the adjacent plat to the north. The modifications to this existing pond must provide storm water detention and water quality treatment for the proposed plat and the existing plat per current City standards outlined in these conditions.
- (5) A downstream analysis is required for this development, and it shall include an analysis for capacity, erosion potential, and water quality. Refer to the requirements of Technical Information Reports in Section 3: "Offsite Analysis", of the 2002 City of Kent Surface Water Design Manual for the specific information required for downstream analyses. The TIR for the Civil Construction Permit must include an analysis of the existing downstream pipe network on the Ridge at Garrison Creek plat. This analysis must show that the existing pipe system between the proposed development and the existing pond can handle the increased runoff from the proposed development without causing any adverse impacts to the surrounding properties. If any deficiencies are identified in the existing storm system, the Applicant will be required to construct upgrades to the existing storm system to mitigate for these proposed impacts as part of this development.

- (6) Roof downspouts for each roofed structure (house, garage, carport, etc.) shall be diverted to a Roof Downspout Control meeting the requirements of Section 5.1 of the 1998 Surface Water Design Manual. These roof downspout controls and shall include overflow pipes connected to an approved stormwater flow control facility, or a dispersion system if no formal flow control facility exists or is required.
  - (7) The Applicant shall submit Landscape Plans for within and surrounding the retention/ detention facility to the City for concurrent review and approval prior to, or in conjunction with, the approval of the Engineering Plans. These Landscape Plans shall meet the minimum requirements of the City of Kent Construction Standards, and the stormwater management landscaping requirements contained within the 1998 King County Surface Water Design Manual. *Landscape Plans are required to show adjacent Street Trees so that the City arborist can assess potential adverse stress upon all types of vegetation.*
  - (8) The Applicant shall execute Declaration of Stormwater Facility Maintenance Covenants for the private portions of the drainage system. See Reference 8-F, Declaration of Stormwater Facility Maintenance Covenant, of the 2002 City of Kent Surface Water Design Manual for information on what is contained within this document.
- d. A Detailed Grading Plan for the entire subdivision meeting the requirements of the 2009 City of Kent Design and Construction Standards. The Applicant shall submit a Geotechnical Report which analyzes the proposed on-site development including confirming the 50' steep slope buffer and corresponding 15' building setback is adequate to protect the future development. The report shall also address the reconstruction of the offsite detention facility. Geotechnical recommendations shall be incorporated into the grading plans.

- e. The Applicant shall submit and receive approval for a Detailed Tree Plan, meeting the requirements of the Kent Zoning Code, prior to the issuance of any Construction Permits for the short subdivision. Grading Plans cannot be approved without an approved Detailed Tree Plan. Detailed Tree Plans are not to be confused with required Street Tree Plans, which have an entirely different purpose.
- f. Street Improvement Plans for 100<sup>th</sup> Avenue Southeast. These Street Improvement Plans shall meet the requirements of the KDCS, including Standard Plan # 6-6, *Residential Collector*, for a street designated as a Residential Collector Street with 3 lanes. Initial guidance for the necessary street improvements is given below:
  - (1) Improvements to 100<sup>th</sup> Avenue Southeast shall be designed such that pavement widening is constructed to the dimensions shown on Standard Plan 6-6, including a shared bike lane, and as approved by City Staff. Per detail #6-6 the improvements on the west side shall also include combined vertical concrete curbs & gutters, a planter strip and a cement concrete sidewalk. An overlay to an approved limit will be required along the extent of the frontage improvements.
  - (2) The Applicant will be required to dedicate 5 feet of additional ROW width along the property frontage to 100<sup>th</sup> Avenue Southeast to match the ROW dedication from the existing adjacent plat to the north.
  - (3) A City-owned street lighting system. Design of the City-owned street light system shall be provided by the Applicant. The existing street lights may be used in the project design if feasible and if current City standards are met.
  - (4) All overhead electrical and/or communication utilities shall be placed underground along 100<sup>th</sup> Avenue Southeast per the requirements of the City of Kent Code Chapter 7.10 if the criteria for undergrounding in Chapter 7.10.030 are met.

- (5) Public stormwater conveyance, detention and treatment facilities as applicable.
  - (6) The proposed intersection of the new proposed Road A and 100<sup>th</sup> Avenue Southeast will require an approved intersection design that must demonstrate adequate entering sight distance in both directions.
  - (7) Street Trees and grass or landscaping shall be installed within the planting strips or tree wells. The Street Trees will be located per City of Kent Standards, and the species shall be selected from the City's Approved Street Tree List.
- g. Street Improvement Plans for the new public Residential Street, Road A, connecting to 100<sup>th</sup> Avenue Southeast, shall be designed as a residential street per the CKDCS. Initial guidance for the necessary street improvements is given below:
- (1) Road A shall be designed as a public residential street per standard detail #6-11 (Residential Local Street Parking One Side). This is a new road that shall be constructed to the full, above-mentioned detail. This new public road shall connect to 100<sup>th</sup> Avenue on the east site edge and 98<sup>th</sup> Place near the northwest site corner.
  - (2) A street lighting system shall be designed to the City's standards, constructed and maintained by the Intolight Division of Puget Sound Energy; all electrical and maintenance bills shall be paid for by an equally divided interest of all property owners on this plat. This interest may be in the form of a Home Owner's Association created by the subdivision.
  - (3) A public stormwater drainage system, including provisions for collection, conveyance, detention and treatment facilities.
  - (4) Street trees and grass shall be installed within the 5-foot wide planting strips constructed between the back of curb and the front of the cement concrete

sidewalk. The street trees will be located per City of Kent standards and the species shall be selected from the City's approved street tree list in Appendix A of the CKDCS.

- (5) The proposed intersection of the new proposed subdivision street and 100<sup>th</sup> Avenue South will require an approved intersection design that must demonstrate adequate entering sight distance in both directions.
- h. Street Improvement Plans for the new Private Residential Street connected to Road A and labeled as Tract B on the plan. The Street Improvement Plans for this street shall be designed in conformance to the requirements for a Private Residential Street as required by City of Kent Design and Construction Standards. Initial guidance for these street improvements is given below:
- (1) A minimum of 26-feet of Hot Mix Asphalt (HMA) pavement, measured from face of vertical curb to face of vertical curb. The private street can slope to one side, if desired, but shall not be inverted crown. The private street shall be designed within a tract at least 28 feet in width. The private street shall connect to the public Road A with a Private Street Approach.
  - (2) An approved turnaround at its northerly terminus, unless these additional street improvements are not required by the City Fire Marshal.
  - (3) A private stormwater drainage system, including provisions for conveyance, detention, and treatment facilities where applicable.
  - (4) Fire Lanes - if any - shall be marked as directed by the Fire Marshal.
4. The Applicant shall create a Homeowner's Association for this subdivision to ensure that the property owners within this subdivision are advised of their obligation to maintain the community park, landscaping in the planter strip and landscaping tract, restrict parking and pay for the energy and maintenance required for the street lighting system installed in



their development.

5. The face of the final subdivision will clearly identify all private streets, and which lots will be served by those private streets. The face of the final subdivision will also specify that the maintenance of all private streets is the sole responsibility of the property owners who are served by those private streets.
6. Direct vehicular access to and from lots having frontage along 100<sup>th</sup> Avenue South is prohibited, and the face of the final subdivision will carry the following restriction:

DIRECT VEHICULAR ACCESS TO AND FROM LOTS HAVING FRONTAGE ALONG 100<sup>th</sup> AVENUE SOUTHEAST IS PROHIBITED. ACCESS FOR THESE LOTS IS RESTRICTED TO THE PROPOSED ROAD A AND/OR PRIVATE TRACT ROADS, INTERIOR TO THE SUBDIVISION.

7. The Applicant shall deed all public rights-of-way, and otherwise convey all private and public easements necessary for the construction and maintenance of the required improvements for this subdivision development. All legal documents must be executed on City of Kent forms and must include an electronic CAD disk based on state plane format.
8. After construction, the critical areas and their associated buffer areas shall be isolated from intrusion by installing a split-rail cedar fence around the entire buffer edge. In addition, sensitive area information signs shall be placed at the buffer edge to inform and educate owners and nearby residents about the value of sensitive areas. The Applicant will be required to restore grades and landscaping in sensitive areas disturbed by construction of the revised pond and outfall pipe.
9. The Applicant shall permanently protect the approved and preserved, and/or enhanced, or created critical area(s) (wetlands, streams and hazardous area slopes) and the associated buffer(s) by creating a separate Sensitive Area Tract and deeding the tract in fee simple to the Homeowners Association, pursuant to Kent City Code Chapter 11.06. This Sensitive Area Tract or Easement shall be consistent with the wetland and/or stream map contained within the approved Critical Areas Report and/or approved Critical Areas Mitigation Plan, or the approved Geotechnical Report as appropriate. The Sensitive Area Tract and the following language shall be included

on the face of the recorded plat:

### **SENSITIVE AREA TRACTS/EASEMENTS**

DEDICATION OF A SENSITIVE AREA TRACT/EASEMENT CONVEYS TO THE PUBLIC A BENEFICIAL INTEREST IN THE LAND WITHIN THE TRACT. THIS INTEREST INCLUDES THE PRESERVATION OF NATIVE VEGETATION FOR ALL PURPOSES THAT BENEFIT THE PUBLIC HEALTH, SAFETY AND WELFARE, INCLUDING CONTROL OF SURFACE WATER AND EROSION, MAINTENANCE OF SLOPE STABILITY, VISUAL AND AURAL BUFFERING, AND PROTECTION OF WATER QUALITY, PLANT ECOLOGY AND WILDLIFE HABITAT. THE SENSITIVE AREA TRACT/EASEMENT IMPOSES UPON ALL PRESENT AND FUTURE OWNERS AND OCCUPIERS OF THE LAND SUBJECT TO THE TRACT/EASEMENT THE OBLIGATION, ENFORCEABLE ON BEHALF OF THE PUBLIC BY THE CITY OF KENT, TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE TRACT. THE VEGETATION WITHIN THE TRACT MAY NOT BE CUT, PRUNED, COVERED BY FILL, REMOVED OR DAMAGED WITHOUT APPROVAL IN WRITING FROM THE CITY OF KENT.

THE COMMON BOUNDARY BETWEEN THE TRACT/EASEMENT AND THE AREA OF DEVELOPMENT ACTIVITY MUST BE MARKED OR OTHERWISE FLAGGED TO THE SATISFACTION OF THE CITY OF KENT PRIOR TO ANY CLEARING, GRADING, BUILDING CONSTRUCTION OR OTHER DEVELOPMENT ACTIVITY. THE REQUIRED MARKING OR FLAGGING SHALL REMAIN IN PLACE UNTIL ALL DEVELOPMENT ACTIVITIES IN THE VICINITY OF THE SENSITIVE AREA TRACT ARE COMPLETED.

NO BUILDING FOUNDATIONS, STRUCTURES, FILL OR OBSTRUCTIONS (INCLUDING, BUT NOT LIMITED TO OUTBUILDINGS AND OVERHANGS) ARE ALLOWED WITHIN 15 FEET OF THE SENSITIVE AREA TRACT / EASEMENT BOUNDARY, UNLESS OTHERWISE APPROVED BY THE CITY.

10. The Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City of Kent prior to issuance of Civil Construction or clearing and grading approval. The SWPPP shall meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit (CSWGP).
11. The Applicant shall submit a copy of the NPDES permit coverage

letter from DOE issuing a permit number and coverage under the Construction Stormwater General Permit. The letter shall be submitted to the City of Kent prior to issuance of civil construction or clearing and grading permits. The construction site shall meet all the requirements of the Department of Ecology National Pollutant Discharge Elimination System Construction Stormwater General Permit (CSWGP).

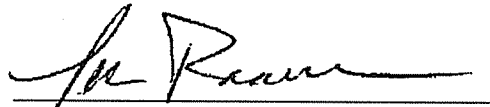
12. The Applicant shall install mailbox clusters at locations and per standards approved by Development Engineering and the U.S. Postmaster.
13. The Applicant shall submit a recreation space plan for proposed Tract D, meeting the requirements of KCC 12.04.060.
14. The Applicant shall submit landscape plans for Tracts A and E. Tract A shall meet the requirements of KCC 15.07.050 for Type II landscaping.
14. The Applicant shall obtain the necessary permits to either remove or relocate the existing structures in accordance with Kent City Code.
15. Prior to release of any construction bonds, and prior to the approval of any Building Permits within the subject subdivision, the Department of Public Works must receive and approve As-Built Drawings meeting the requirements of the City of Kent Construction Standards.

**B. Prior to the issuance of a Building Permit on any lot in this subdivision, the Applicant shall:**

1. Record the subdivision.
2. Construct all of the improvements required in Section A, above, and pay the respective fees-in-lieu-of including any mitigation (EMA or EMF) charges.
3. Receive approval of the required As-Built Drawings for Street, Street Lighting, Water, Sewer, and Stormwater Management Facilities as deemed appropriate by the Department of Public Works.
4. Implement and construct all critical area mitigation plans/measures.

5. Pay all transportation impact fees, school impact fees, Storm Water Utility connection fees, and any other mitigation fees applicable by code associated with the subject property.

DATED this 9<sup>th</sup> day of September 2014.



LEE RAAEN  
Hearing Examiner  
Sound Law Center